

REMARKS

Claims 8-20 and 23-31 are presently pending in the application. Claims 17, 23-25 and 28 have been amended. Claims 21, 22 and 32 have been cancelled. The drawings have been amended.

Reconsideration of the objections and rejections set forth in the aforementioned Office Action is respectfully requested in view of the following remarks. The basis for the amendments can be found throughout the Specification, Claims and Drawings as originally filed.

DRAWINGS

The drawings stand objected to for certain informalities. Applicants submit a corrected drawing sheet showing Figure 2 having the second set of reference numerals changed to 74A - 74G. Applicants respectfully request withdrawal of the objection to the drawings.

REJECTION UNDER 35 U.S.C. § 103

Claims 8-11, 13-15 and 17-22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Frost (U.S. Pat. No. 6,464,612) in view of Hara et al. (U.S. Pat. No. 5,599,075 and Nagae (U.S. Pat. No. 6,598,946). This rejection is respectfully traversed.

Applicants respectfully submit that none of the references cited, either solely or in combination with one another, teach or suggest a vehicle or a method of controlling the stability characteristics of a vehicle as defined in the presently rejected claims. Specifically, claim 8 recites an actuator operable to selectively supply a pressurized fluid

to each of said first wheel brakes, said second wheel brakes and said clutch to apply said brakes and said clutch. As noted by the Examiner, Frost does not disclose wheel brakes and a clutch being fluidly connected. Similarly, Applicants respectfully submit that Hara et al. does not disclose a vehicle having an actuator operable to supply pressurized fluid to brakes and a clutch operable for selectively drivingly interconnecting an engine to the driveline in addition to the other limitations on claim 8. On page 3 of the action, the Examiner states that Hara et al. is relied upon to show that such systems are probably interrelated. Applicants respectfully submit that Hara et al. explicitly states that the pressurized fluid used to actuate the braking system and the pressured fluid for actuating the clutch are separate and distinct. Specifically, Hara et al. discloses "a hydraulic pressure supply system 16 is provided to supply a clutch pressure PC to the transfer 22 of the power train 14." (Col. 6, lines 10-12). Furthermore, Hara et al. describes a separate fluid pressure supply system for the brakes. "The ABS control section 18b is connected to a hydraulic pressure control actuator 36, which will be hereinafter referred to as 'ABS actuator.' The ABS actuator 36 receives a master-cylinder pressure coming from a master cylinder (not shown) and suitably changes the master-cylinder pressure to a controlled fluid pressure to be supplied to each wheel cylinder" Therefore, Applicants respectfully submit that Hara et al. not only does not disclose the limitations of claim 8, but explicitly teaches away from an actuator being operable to selectively supply pressurized fluid to each of first wheel brakes, second wheel brakes and a clutch to apply the brakes and the clutch.

Nagae also does not disclose an actuator operable to selectively supply pressurized fluid to each of first wheel brakes, second wheel brakes and a clutch

operable for selectively drivingly interconnecting the engine to a driveline. On the contrary, Nagae discloses a hydraulic circuit 10L of brake unit 10 for controlling brake pressures in wheel cylinders 38FL, 38FR, 38RL, 38RR, whereby braking forces are applied to the wheels. (Col. 9, lines 54-57). Furthermore, Nagae explicitly describes the brake unit 10 having an oil pump 34 that draws brake oil stored in a reservoir 30 and supplies a high-pressure conduit 32 with the brake oil as high-pressure oil. The high-pressure conduit 32 is connected with the brake hydraulic pressure control units 18, 20, 26, 28 and also with an accumulator 36. In a separate section of the patent, clutch 90 is described to allow and prohibit application of driving torques to the front wheels at Col. 8, lines 59-60. Nagae does not disclose a single actuator being operable to selectively supply pressurized fluid to each of the first wheel brakes, the second wheel brakes and the clutch as defined by Applicants' pending claims. On the contrary, Nagae states that the actuator for clutch 90 is not shown (Col. 8, lines 64-65). As such, the actuator that is operable to actuate the brakes, previously described as master cylinder 14, pump 34, high-pressure conduit 32, brake hydraulic pressure control units 18, 20, 26, 28 and also accumulator 36 is not the actuator used to control clutch 90. Therefore, Applicants respectfully submit that Nagae also teaches away from providing a vehicle having an actuator operable to selectively supply pressurized fluid to each of the first wheel brakes, second wheel brakes and a clutch operable for selectively drivingly interconnecting the engine to a driveline.

Regarding the rejection to claims 17-22, Applicants have amended claim 17 to clarify that pressurized fluid is supplied from the actuator to the brakes and clutch to be actuated where each of the brakes and the clutch are in fluid communication with the

actuator. Applicants have cancelled claims 21 and 22. Accordingly, Applicants respectfully submit that claims 17-20 now clearly define over the art of record for the reasons previously presented. Therefore, Applicants respectfully request the Examiner to withdraw the § 103 rejections.

With respect to the Examiner's rejection of claims 12 and 16 under 35 U.S.C. 103(a) as being unpatentable over Frost in view of Hara et al. and Nagae as applied to claims 8 and 15, and further in view of U.S. Publication No. 2002/0153770 to Matsuno et al. or U.S. Publication No. 2002/0144851 to Porter, this rejection is respectfully traversed.

Applicants respectfully rely on the comments and arguments relating to Frost, Hara et al. and Nagae as previously presented. Accordingly, Applicants respectfully request withdrawal of the § 103 rejections.

Claims 23-32 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hara et al. in view of Nagae and Porter.

Applicants have clarified claim 23 to remove the word "first" and simply call for an actuator operable to selectively supply pressurized fluid from a source to the wheel brakes and the clutch. Accordingly, Applicants respectfully submit that claims 23-31 are now in condition for allowance and overcome the rejections of record based on the arguments previously set forth relating to Hara et al. and Nagae. Accordingly, Applicants respectfully request withdrawal of the § 103 rejections.

CONCLUSION

If it is believed that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600. Prompt and favorable consideration of this amendment is respectfully requested.

Respectfully submitted,

Date:

May 11, 2005

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AMENDMENTS TO THE DRAWINGS

The attached "Replacement Sheet" of drawings includes changes to Figure 2.

The attached "Replacement Sheet," which includes Figure 2, replaces the original sheet including Figure 2.

Attachment: Replacement Sheet